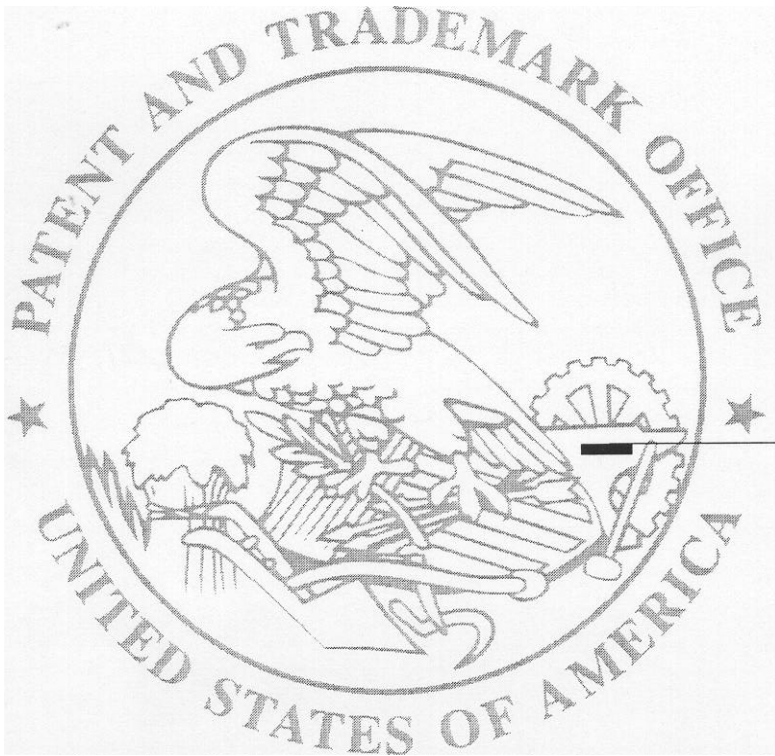


U.S. PATENT & TRADEMARK OFFICE
C O N S O L I D A T I O N



STATE GOVERNMENT



COMMONWEALTH of VIRGINIA

James S. Gilmore, III
Governor

John Paul Woodley, Jr.
Secretary of Natural Resources

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 10009, Richmond, Virginia 23240

Fax (804) 698-4500 TDD (804) 698-4021

<http://www.deq.state.va.us>

May 29, 1998

Thomas L. Hopkins
Director

(804) 698-4000
1-800-592-5482

Mr. Carl Winters
Realty Services
General Services Administration
National Capital Region
Washington, D.C. 20407

RE: Draft Environmental Impact Statement (DEIS) for the Proposed
U.S. Patent and Trademark Office Consolidation

Dear Mr. Winters:

The Commonwealth of Virginia Agencies have completed their review of the DEIS for the noted action. The Department of Environmental Quality (DEQ) is responsible for coordinating Virginia's review of federal environmental documents and responding to the appropriate officials on behalf of the Commonwealth. The following agencies participated in this review:

Department of Conservation and Recreation;
Department of Environmental Quality;
Department of Health; and
Department of Transportation.

In addition, the Department of Historic Resources, the Northern Virginia Planning District Commission, Arlington County and the City of Alexandria were invited to comment through the Department of Environmental Quality.

The proposed action is to lease up to 2.4 million square feet of consolidated and updated space for the Patent and Trademark Office of the U.S. Department of Commerce over a 20-year term. Three private owned sites are under consideration: the Crystal City site in Arlington County; the Carlye site and the Eisenhower site in the City of Alexandria.

The Commonwealth offers the following comments and recommendations:

Mr. Carl Winters
May 29, 1998
Page Two

1. Water Quality. Although no adverse impacts to water quality are anticipated, potential adverse impacts resulting from surface water runoff must be minimized by using Best Management Practices. For further information, contact DEQ's Northern Regional Office at (703) 583-3800.

Comment
Noted

2. Solid and Hazardous Wastes. All solid waste and hazardous waste generated, including debris and demolition waste must be managed in accordance with all applicable federal, state and local environmental regulations. Contact DEQ's Northern Regional Office for additional information.

Comment
Noted

3. Erosion and Sediment Control and **Stormwater** Management. If the total land disturbance exceeds 10,000 square feet, an erosion and sediment control plan is required prior to any land-disturbing activity on site. The plan must meet the state minimum requirements for E&S control. If the total land disturbance for the project exceeds one acre, a separate stormwater management plan may also be required. The proponent shall meet the guidelines in Virginia's Stormwater Management Law and Regulations. The federal agency should coordinate preparation of these plans with the Department of Conservation and Recreation's Division of Soil and Water Conservation at (804) 786-2064.

4.1-1

If the proposed project disturbs 5 or more acres, a VPDES stormwater permit is required. For additional information contact DEQ's Northern Regional Office.

Comment
Noted

4. Air Quality Regulations. Construction of the new facilities will be subject to regulation by the Department of Environmental Quality. The DEQ - State Air Pollution Control Board's Regulations on the Control and Abatement of Air Pollution is applicable to this project. Prior to issuing a Record of Decision for this EIS, the selected alternative must be found conforming to the State Implementation Plan (SIP). The transportation aspects of the selected alternative should be modeled in the Metropolitan Washington regional transportation conformity determination in order to satisfy the general conformity requirements for federal action.

9.1-4

Both Alexandria and Arlington County are designated as a Volatile Organic compound (VOC) and Nitrogen Oxides (NOx) Emission Control Area. Therefore, the usage of cutback asphalt for paving is restricted from the months of April through October.

9.1-5

This project is located within an Ozone Non-attainment Area; therefore, we recommend that precautionary measures be employed

MT. Carl Winters
May 29, 1998
Page Three

to reduce ground-level ozone concentrations. This can be done by minimizing the generation of ozone precursors such as volatile organic compounds and nitrogen oxides during operation of construction equipment and vehicles. During the ozone season certain activities should be restricted or reduced. Examples of the restricted activities are aeration of petroleum contaminated soil or groundwater, vehicular or equipment engine idling, and application of pesticides or herbicides containing VOC as the active ingredients.

9.1-5

DEQ strongly encourages the project proponent to find ways to minimize VOC and NOX emissions during ozone alert days. In the Northern Virginia area, an OZONE alert is issued by the Metropolitan Washington Council of Governments when ground level ozone reaches unhealthy levels and can potentially exceed the National Ambient Air Quality Standard for ozone.

Carbon monoxide (CO) monitoring/Hot Spot analysis should be done during the winter months of project construction as well. Both Alexandria and Arlington County are designated as carbon monoxide maintenance areas. Therefore, transportation conformity to the CO budget is required.

9.1-6

There are several questions that we would like to see answered:

○ Please explain if the proposed ramp construction A1/A2 is the same, an extension, or a separate construction with the Telegraph and I-495 interchange modification proposed in the Woodrow Wilson Bridge EIS;

8.1-3

○ Please explain whether the lost parking spaces at the Eisenhower Metro Station will be replaced or will the proposed 3,600 parking spaces accommodate the existing Metro riders who use the Eisenhower Station parking; and

8.5-1

○ How will the project sponsor monitor off-site air emissions from contaminated soil removal from the project site in order to benefit air quality?

9.1-7

For further air information, contact DEQ's Dona Huang at (804) 698-4405 or DEQ's Northern Regional Office.

5. Natural Heritage Resources. According to the information in the files of the Department of Conservation and Recreation (DCR) there are no natural heritage resources documented in the project area. We recommend that DCR's Natural

Comment
Noted

Mr. Carl Winters
May 29, 1998
Page Four

Heritage Division be contacted at (804) 371-2708 as the project is developed to secure updated information on natural heritage resources.

6. State Scenic Rivers and Scenic Byways. DCR has indicated that the proposed project will not impact any streams on the National Park Service Nationwide Inventory, Final List of Rivers, potential State Scenic Rivers or existing or potential Scenic Byways.

Comment
Noted

7. Transportation. The project will have no significant impacts, which have not already been taken into account, upon existing or proposed transportation facilities under Department of Transportation's (VDOT) purview. VDOT offers the following comments :

0 The Party responsible for the cost and implementation of the transportation mitigation measures should be identified; and

8.7-3

0 VDOT would gladly welcome PTO's participation in the funding of the Telegraph Road Interchange reconstruction.

Comment
Noted

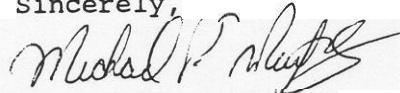
For further transportation information, please contact Joe Langley at (703) 383-2212.

8. Federal consistency Determination. Pursuant to the Coastal zone Management Act of 1972, as amended, the proposed project must be constructed and operated in a manner which is consistent with the Virginia Coastal Resources Management Program (VCRMP). The Department of Environmental Quality (DEQ) is responsible for reviewing federal consistency determinations on behalf of the Commonwealth. Your determination should include statements for each of the three sites under consideration. Please send your determination to Tom Felvey at the above address or fax it to him at (804) 689-4453. If you have any questions, he can be reached at (804) 698-4315.

4.2-2

Thank you for the opportunity to comment on the DEIS for the proposed activity. The comments of the reviewing agencies are attached for your review and consideration.

Sincerely,



Michael P. Murphy
customer Services Director

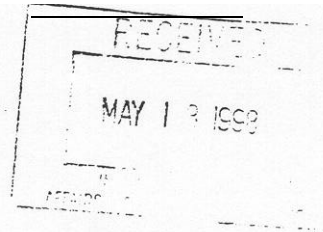
Mr. Carl Winters
May 29, 1998
Page Five

Attachments

cc: G. Mark Gibb, Northern Virginia PDC
Vola Lawson, City of Alexandria
Anton S. Gardner, Arlington County
John Davy, Jr., DCR
John A. Simpkins, VDOT
Asif K. Malik, VDH
Al Laubscher, DEQ-NRO
Dona Huang, DEQ-Air
Joseph P. Hassell, DEQ-Water

James S. Gilmore, III
Governor

John Paul Woodley, Jr.
Secretary of Natural
Resources



David G. Brickley
Director

COMMONWEALTH of VIRGINIA

DEPARTMENT OF CONSERVATION AND RECREATION

203 Governor Street, Suite 326

TDD (804) 786-2121 Richmond, Virginia 23219-2010 (804) 786-2556 FAX (804) 371-7899

MEMORANDUM

DATE: May 15, 1998
TO: Thomas Felvey, Department of Environmental Quality
FROM: *John R. Davy, Jr.* John R. Davy, Jr., Planning Bureau Manager
SUBJECT: DEQ#98-031F, U. S. Patent and Trademark Office

Comments are provided herein on the above referenced project:

DMSION OF NATURAL HERITAGE

The Department of Conservation and Recreation @CR) has searched its Biological and Conservation Data System (BCD) for occurrences of natural heritage resources from the area outlined on the submitted maps. Natural heritage resources are defined as the habitat of rare, threatened, or endangered plant and animal species, unique or exemplary natural communities, and significant geologic formations.

According to the information currently in our files, natural heritage resources have not been documented at the Carlyle, Crystal City or Eisenhower sites. The absence of data may indicate that the project area has not been surveyed, rather than confirm that the area lacks natural heritage resources.

**Comment
Noted**

New and updated information is continually added to BCD. Please contact DCR for an update on this natural heritage information if a significant amount of time passes before it is utilized.

DIVISION OF SOIL AND WATER CONSERVATION

If the proposed project disturbs over 10,000 square feet of a land-disturbing activity an erosion and sediment control plan will be needed prior to any land-disturbing activity on site. If the total land disturbance for the project exceeds one acre, a separate stormwater management plan may also be required. The project is proposed by a federal agency, therefore the E&S plan shall be developed according to the guidelines set forth by the Department of Conservation and Recreation, Division of Soil and Water Conservation. The federal agency shall comply with the E&S Law/Regulation and SWM Law and Regulations. The Division's appropriate field office will be available for any assistance to review plans for consistency with the guidelines set forth in Chapter IV of the Virginia Erosion and Sediment Control Handbook. The authority to obtain all necessary environmental permits may be assigned to a federal agency that is leasing a facility or "building to lease" a facility but the ultimate responsibility of obtaining erosion and sediment control plan approval must be obtained from the locality in which the land-disturbance is taking place.

4.1-1

DMSION OF PLANNING AND RECREATION RESOURCES

The proposed project is not anticipated to have any adverse impacts on existing or planned recreational facilities nor will it impact any streams on the National Park Service Nationwide Inventory, Final List of Rivers, potential Scenic Rivers or existing or potential State Scenic Byways.

**Comment
Noted**

Thank you for the opportunity to comment on this project

/saw

If you cannot meet the deadline, please notify **THOMAS M. FELVEY** at 804/698-4315 prior to the date given. Arrangements will be made to extend the date for your review if possible. An agency will not be considered to have reviewed a document if no comments are received (or contact is made) within the period specified.

REVIEW INSTRUCTIONS:

- A. Please review the document carefully. If the proposal has been reviewed earlier (i.e. if the document is a federal Final EIS or a state supplement), please consider whether your earlier comments have been adequately addressed.
- B. Prepare your agency's comments in a form which would be acceptable for responding directly to a project proponent agency.
- C. Use your agency stationery or the space below for your comments. IF YOU USE **THE SPACE BELOW**, **THE FORM MUST BE SIGNED AND DATED**.

Please return your comments to:

DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL IMPACT REVIEW
629 EAST MAIN STREET, **SIXTH FLOOR**
RICHMOND, VA 23219
FAX #804/698-4319

Thomas M. Felvey
Environmental Technical
Services Administrator

COMMENTS

*No adverse impact on our
program*

(signed) Asif K. Malik (date) 5/20/98
Asif K. Malik, P.E.
(title) Chief of Technical Services
Division of Wastewater Engineering
(agency) Virginia Department of Health

PROJECT #98-031F

2/97

APR. -29' 98 (WED) 11:19 VDOT ENVIRONMENTAL

TEL: 804 186 7401

P. 003



COMMONWEALTH of VIRGINIA

DAVID R. GEHR
COMMISSIONERDEPARTMENT OF TRANSPORTATION
1401 EAST BROAD STREET
RICHMOND, 23219-1039EARL T. ROBB
ENVIRONMENTAL ADMINISTRATOR

To: Carl Winters
From: John Simkins
Re: US. Patent and Trademark Office Consolidation
Date: April 27, 1998

VDOT-NoVA's Transportation Planning Section has reviewed the Draft Environmental Impact Statement for the proposed Consolidation of the US Patent and Trademark Office in either Arlington County or the City of Alexandria

We believe that the proposed project will have no significant impacts, which have not already been taken into account, upon existing or proposed transportation facilities under VDOT's purview. We offer the following comments:

- The Party responsible for the cost and implementation of the transportation mitigation measures should be identified.
- As noted in the document, the source of funds to reconstruct the Wilson Bridge and the Telegraph Road/Capital Beltway Interchange has not been identified. VDOT would gladly welcome PTO's participation in the funding of the Telegraph Road Interchange reconstruction.

8.7-3

Comment
Noted

Thank you for the opportunity to review and comment upon the proposed consolidation. Should you wish to discuss our comments, please call Joe Langley at 703-383-2212.

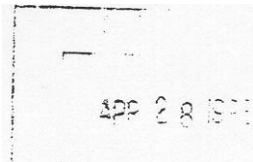
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629 EAST MAIN STREET, SIXTH FLOOR
RICHMOND, VA 23219
FAX #804/698-4319



Thomas M. Felvey

Environmental Technical
Services Administrator

COMMENTS

No comment.

(signed) *Alan J. Faulkner* (date) 4/24/98
(title) Regional Permit Manager
(agency) Northern Virginia Region, DEQ

PROJECT #98-031F


2/97

ODA-138-98

DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF AIR DATA ANALYSIS

MEMORANDUM

TO: Thomas Felvey, Office of Environmental Impact Review

FROM: Dona Huang, Environmental Engineer, Sr. 

SUBJECT: Environmental Impact Statement on U.S. Patent & Trademark Office Consolidation, Alexandria City and Arlington County, Virginia

DATE: May 27, 1998

Thank you for the opportunity to review the referenced subject. The Office of Air Data Analysis would like to offer the following comments regarding the air quality issues discussed in the study:

1. The transportation aspect of the selected alternative should be modeled in the Metropolitan Washington regional transportation conformity determination in order to satisfy the general conformity requirements for federal action. Prior to issuing a Record of Decision (ROD) for this EIS, the selected alternative must be found conforming to the State Implementation Plan (SIP). The following is a list of reasons for the inclusion of the selected alternative in the regional transportation conformity determination (items c, d, and e are only applicable to the Eisenhower and the Carlyle Alternatives):

9.1-4

- a. The U.S. Patent and Trademark Office is considered a major employment base given the number of employees, and the magnitude of the proposed project construction and expansion. With respect to the Eisenhower and the Carlyle Alternatives, even though the relocation will occur in the same air basin, its impact to the regional air quality may be different due to changes in location of attraction site, trip assignments and the availability of mode choices.

9.1-3

- b. The stand alone emission estimates from the three alternatives (Table 4.6.1-2) are not reflective of the interactive effects with their surrounding and within the region.

9.1-3

- c. Regarding the modification to Telegraph Road and I-495 interchange ramps (A1 and A2) under the Eisenhower and Carlyle alternatives, what effect does closing

8.1-3

- one of the two-lane ramp have on commuting traffic?
- d. The loss of parking spaces for the existing Eisenhower Metro Station riders **8.5-1**
 - e. With respect to the Eisenhower and the Carlyle Alternatives, the transportation/air quality impacts must also be considered along with the proposed Woodrow Wilson Bridge and I-495 realignment and interchange improvements/additions at the Alexandria area. **9.1-3**
8.1-3
 - f. The five-year construction period and the phasing of the project may have a significant impact to the traffic flow proximal to the project site. This may warrant an inclusion of the proposed project in the conformity determination for network model years, other than 2003, such as 1999 (ozone attainment year) and 2000. **9.1-4**
2. Please explain if the proposed ramp construction A1 / A-2 is the same, an extension, or a separate construction from the Telegraph and I-495 interchange modification proposed in the Woodrow Wilson Bridge EIS. **8.1-3**
 3. Carbon monoxide (CO) monitoring/Hot Spot analysis should be done during the winter months of project construction as well. Both City of Alexandria and Arlington County are designated as carbon monoxide maintenance areas. Therefore transportation conformity to the CO budget is required. **9.1-6**
 4. Please explain whether the lost parking spaces at the Eisenhower Metro Station (under the Eisenhower Alternative) will be replaced. It is not clear if the proposed 3,600 parking spaces for the office consolidation will accommodate the existing Metro riders who use this present parking facility. **8.5-1**
 5. How will the project sponsor monitor off-site air emissions from contaminated soil removed from the project site in order to benefit air quality? **9.1-7**
 6. Both Alexandria City and Arlington County are designated by the State Air Pollution Control Board as a volatile organic compound and nitrogen oxides emission control area (VOC-NO_x ECA); therefore, the usage or application of cutback asphalt for paving is restricted from the months of April through October. **9.1-S**
 7. Due to the area's serious ozone nonattainment designation, during the ozone season certain activities should be restricted or reduced. Examples of the restricted activities are aeration of petroleum contaminated soil or groundwater, vehicular or equipment engine idling, and application of pesticides or herbicides containing VOC as the active ingredients. **9.1-5**
 8. DEQ strongly encourages the project proponent to find ways to minimize VOC and NO_x emissions during the ozone alert days. In Northern Virginia area, an ozone alert is issued by the Metropolitan Washington Council of Governments (MWCOCG) when ground level ozone reaches **9.1-5**

unhealthy levels and can potentially exceed the National Ambient Air Quality Standard (NAAQS) for ozone.

9. This Office would like to thank the project sponsor for including proximity to a Metro Station as a major consideration for the consolidation and relocation of the Patent and Trademark Office and for encouraging its employees to take alternative mode of transportation other than the sov.

**Comment
Noted**

If you or the project sponsor has any questions regarding these comments, please feel free to contact me at (804) 698-4405.

cc: Kirit Chaudhari, Director, Office of Air Data Analysis
Greg Clayton, Director, DEQ Northern Regional Office

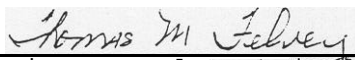
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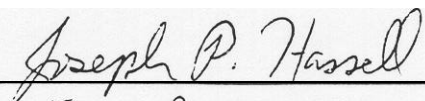
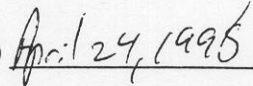
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629 EAST MAIN STREET, SIXTH FLOOR
RICHMOND, VA 23219
FAX #804/698-4319


Environmental Technical
Services Administrator

COMMENTS

No VWP Permits required
EIS states that stormwater construction
general permits will be obtained for any
alternatives involving office building construction

(signed)  (date) 
(title) EhV. Prog. Manager
(agency) DEQ - OPS - VWP

PROJECT #98-031F

2/97

**COMMONWEALTH of VIRGINIA**

DEPARTMENT OF TRANSPORTATION
1401 EAST BROAD STREET
RICHMOND, 23219-1939

DAVID R. GEHR
COMMISSIONER

EARL T. ROBB
ENVIRONMENTAL ADMINISTRATOR

To: Carl Winters
From: John Simkins *JS*
Re: U.S. Patent and Trademark Office Consolidation
Date: April 27, 1998

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8.7-3

**Comment
Noted**

Thank you for the opportunity to review and comment upon the proposed consolidation. Should you wish to discuss our comments, please call Joe Langley at 703-383-2212.